



NOTICE OF PUBLIC MEETING

TO ADOPT A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO DESIGNATE AN AREA OF BENEFIT IN TORREY HIGHLANDS AND SETTING A TIME AND PLACE TO HOLD A PUBLIC HEARING THEREON.

AND

NOTICE OF PUBLIC HEARING

TO ADOPT A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DESIGNATING AN AREA OF BENEFIT IN TORREY HIGHLANDS.

THIS IS A JOINT NOTICE AS REQUIRED BY GOVERNMENT CODE 54954.6.

NOTICE OF PUBLIC MEETING

Dear Property Owner:

NOTICE IS HEREBY GIVEN that the Council of the City of San Diego, California, has set the hour of 10:00 A.M., Tuesday, May 26, 2009, (or as soon as possible thereafter) in Council Chambers, 12th floor, City Administration Building, 202 "C" Street, as the time and place for conducting a public meeting to consider adoption of the Fiscal Year 2010 Torrey Highlands Public Facilities Financing Plan and adoption of a Resolution of the Council of the City of San Diego declaring its intention to designate an area of benefit in Torrey Highlands and setting the time and place to hold a public hearing thereon.

The following is the Resolution of Intention which the Council of the City of San Diego will consider at the Public Meeting on May 26, 2009:

“A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING ITS INTENTION TO DESIGNATE AN AREA OF BENEFIT IN TORREY HIGHLANDS AND SETTING THE TIME AND PLACE FOR HOLDING A PUBLIC HEARING THEREON.

WHEREAS, the Council of the City of San Diego [Council] desires to initiate proceedings for the designation of a facilities benefit assessment area of benefit in Torrey Highlands pursuant to Ordinance No. O-15318 (New Series) of the Council [Ordinance] which area of benefit will specially benefit from the acquisition, improvement and construction of

certain public improvements more particularly described in the document titled, "Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2010," [Report]; and

WHEREAS, the Mayor, with the assistance of the City Planning & Community Investment Department, made and filed with the City Clerk, the Report, a copy of which is on file in the office of the City Clerk as Document No. RR-_____; and

WHEREAS, the Council has examined and considered the Report, including the community financing plan and capital improvement program with respect to the proposed public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the general description of the public facilities projects; the estimated costs for the construction of said public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis and methodology by which automatic annual increases in the facilities benefit assessment will be computed, assessed and levied pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Council declares its intention to designate an area of benefit within Torrey Highlands to finance the cost of the public facilities projects pursuant to the Ordinance.
2. The Council is satisfied with the correctness of the Report, including, without limitation, the community finance plan and capital improvement program with respect to said public facilities projects; the proposed boundaries of the facilities benefit assessment area of benefit; the description of the public facilities projects; the estimated costs for the construction of the public facilities projects; the method pursuant to which the costs are to be apportioned among the parcels within the facilities benefit assessment area of benefit, and the amount of the facilities benefit assessments which will be charged to each such parcel; the basis and methodology by which automatic increases in the facilities benefit assessments will be computed, assessed and levied pursuant to Section 61.2212 of the Ordinance; and the amount of the contribution or advance which the City or other public entity will make toward the total cost of the public facilities projects. The Council does confirm and approve the Report.
3. The public facilities projects will be undertaken and completed as described in the Report.
4. The community financing plan and capital improvement program with respect to the public facilities projects will be as set forth in the Report.
5. The boundaries of the facilities benefit assessment area of benefit will be as set forth in the Report.
6. The method pursuant to which the cost of the public facilities project is to be apportioned among the parcels within the facilities benefit assessment area of benefit and the amount of the facilities benefit assessments which will be charged to each such parcel will be as set forth in the Report.
7. The Council determines it necessary to provide for automatic increases in the amount of facilities benefit assessments for landowners who have not paid their facilities benefit assessments without the necessity for further proceeding pursuant to Section 66.2212 of the Ordinance in order to reflect increases in the cost of money during the period between the imposition of the facilities benefit assessment, the payment of facilities benefit assessments and

completion of the public facilities projects. The Council further determines that the basis and methodology for computing such increases set forth in the Report is reasonable and appropriate in order to provide an equitable distribution of the cost of the public facilities projects to community developers and the ultimate purchasers of developed properties.

8. All fees due under the Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2010, shall be those fees in effect at the time the building permit is pulled.

9. The amount of contribution or advance which the City or other public entity will make toward the total cost of the public facilities project will be as set forth in the Report.

10. The Council shall hold a public hearing to consider the designation of the facilities benefit assessment area of benefit as proposed in this resolution at 10:00 a.m. on the 23rd day of June, 2009, at the Council Chambers, 202 C Street, San Diego, California.

11. The City Clerk is authorized and directed to give notice of the public hearing described in Section 9 of this resolution by publishing this Resolution in the "San Diego Daily Transcript" at least two weeks before the date set forth herein and by mailing copies of this resolution to each owner of property located within the proposed area of benefit at the addresses shown on the last equalized property tax assessment roll, or as otherwise known to the City Clerk pursuant to Section 61.2205 of the Ordinance.

BE IT FURTHER RESOLVED, that this activity is not subject to CEQA pursuant to State Guidelines Section 15060(c)(3).

APPROVED: JAN I. GOLDSMITH, City Attorney

NOTICE OF PUBLIC HEARING

Dear Property Owner:

NOTICE IS HEREBY GIVEN that the Council of the City of San Diego, California, has set the hour of 2:00 P.M., Tuesday, June 23, 2009, in the Council Chamber, 12th floor, City Administration Building, 202 "C" Street, as the time and place for conducting a public hearing on the formation of a Facilities Benefit Assessment District for the financing of public facilities such as transportation improvements, parks, fire, and a library in Torrey Highlands.

On August 25, 1980, the City Council by Ordinance No. 0-15318, adopted a procedure for the establishment of a Facilities Benefit Assessment borne by the undeveloped lands that will be benefited. Area of benefit may be designated, and Facilities Benefit Assessments, as defined in Section 61.2202 of the above Ordinance, chargeable to and against such lands, may be imposed. In light of these decisions by Council, assessments to cover these future improvement costs were determined on undeveloped property on the basis of dwelling units if zoned residential and by gross Average Daily Trips (ADTs) if zoned commercial and/or industrial (non-residential). Description of facility needs and financing methodology is set forth in the Fiscal Year 2010 Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment. As described in this document, proportionate costs are to be made liens on affected properties and will remain until discharged through payments made during its development. The Facilities Benefit Assessment is to be collected

at the time of building permit issuance; amounts are based on land use (number of dwelling units or gross ADTs developed). No payments are due until the time of property development. The total anticipated cost for needed facilities in Torrey Highlands to be paid by the Facilities Benefit Assessment is estimated to be \$130,909,253.

Based on the total cost of the future facilities needed, Facilities Benefit Assessments (FBAs) are shown on the attached FBA Assessment Roll. FBAs are paid upon building permit issuance, and the dollar amount due is based upon the fee schedule in effect on the date the building permit is issued.

All persons concerned with this Facilities Financing Plan may indicate their positions by appearing before the Council at the public hearing or by submitting a written communication. All protests must be written and received by the City Clerk, City Administration Building, 202 "C" Street, San Diego, CA 92101, prior to the close of the hearing; they shall state the nature of the protest and refer to the assessment number. Such correspondence or oral testimony will assist the Council in their decisions regarding the provision of additional public facilities for Torrey Highlands.

If within the time when protests may be filed, there is filed with the City Clerk a written protest by the owners of more than one-half of the area of the property proposed to be included within the area of benefit, and if sufficient protests are not withdrawn so as to reduce the area represented to less than one-half, then the proposed proceedings shall be abandoned unless the protests are overruled by an affirmative vote of four-fifths of the members of the City Council.

The City Council shall not overrule a majority protest unless it finds that the public health, safety or general welfare require that provision be made for the installation of proposed Public Facilities Projects.

If you challenge the Council's actions on the above proceedings in court, you may be limited to raising only those issues you or someone else raised at the public meeting or hearing described in this notice, or in written correspondence to the City Council at or prior to the public meeting or hearing. All correspondence should be delivered to the City Clerk (at the above address) to be included in the record of the proceedings.

This information will be made available in alternative formats upon request. To request an agenda in an alternative format or to request a sign language or oral interpreter for the meeting, call the City Clerk's office at (610) 533-4000 (voice) or (619) 236-7012 (TT) at least five working days prior to the meeting to insure availability. Assistive Listening Devices (ALDs) are available for the meeting upon request.

If you wish any additional information, please contact the City Planning & Community Investment Department, Facilities Financing Section, Charlette Strong-Williams, 1010 Second Avenue, Suite 600, Mail Station 606F, San Diego, CA 92101, telephone: (619) 533-3683, email: cstrong@sandiego.gov.